

Employee Disciplinary Policy

It is our aim to encourage acceptable standards of conduct and performance. Every effort will be made to deal with minor problems through informal discussion and supervision in order to avoid the need to implement the formal procedure. The Pre-school Leader will arrange for provision of support, practical assistance and/or training as appropriate to ensure that acceptable standards of work performance and behaviour are met. We wish to ensure that any complaints about unsatisfactory work or conduct are resolved as quickly and with as much fairness as possible and to this end have established a Disciplinary Procedure.

This procedure applies to all employees. It is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Should the standards of conduct, attendance and/or job performance of an employee fall below the expectations of the Pre-school, this procedure will be used in an attempt to effect improvement.

Responsibilities - It is the responsibility of the Management of the Pre-school to explain clearly all requirements regarding standards of conduct, attendance and job performance and adherence to policy and to ensure that these are updated and issued to all employees.

No disciplinary action will be taken against an employee until the case has been fully investigated. It may prove necessary to place an employee on suspension until such investigations are carried out. Suspension will be notified to the employee in writing and will not normally exceed a period of 10 working days without review. In exceptional circumstances the period of suspension may be extended to allow full investigation to take place. Any such extension will also be notified to the employee in writing. During such a suspension the employee will be paid at a rate equivalent to her/his contractual earnings.

Minor Disagreements - Minor disagreements among Preschool Staff or between Staff and Pre-school Manager can usually be resolved at the regular staff management meeting, or informally by discussion.

Disciplinary Procedure - A more serious situation arises when a dispute cannot be resolved, or when the Pre-school Manager is dissatisfied with the conduct or activities of an employee.

Any disciplinary matter will normally be dealt with using the following procedure. At every stage the employee should be given reasonable notice (5 days) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case, and s/he should be offered the opportunity to be accompanied by a colleague if s/he so wishes. The disciplinary panel will consist of the Preschool Chair and two nominated committee colleagues, who should ensure that confidentiality is maintained within the panel.

Oral Warning

- The employee should be interviewed by the disciplinary panel who will explain the complaint.
- The employee will be given full opportunity to state their case.
- After careful consideration by the management committee, and if the warning is considered to be appropriate, the employee needs to be told:
 - a. What actions need be taken to correct their conduct.
 - b. That they will be given reasonable time to rectify their errors.
 - c. What training needs have been identified, with timescales for implementation.
 - d. What mitigating circumstances have been taken into account in reaching the decision.
 - e. That if they fail to improve then further action will be taken.
 - f. That a record of the warning will be kept.
 - g. That they may appeal against the decision within a limited time period (5 days).

Formal Written Warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant an initial oral warning:

- The employee will be interviewed and given the opportunity to state their case. (Reasonable time must be allowed for the employee to prepare their case).
- If a further formal warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
- The letter will:
 - a. Contain a clear reprimand and the reasons for it.
 - b. Explain what corrective action is required and what reasonable time is given for improvement.
 - c. State what training needs have been identified, with timescales for implementation.
 - d. Make clear what mitigating circumstances have been taken into account in reaching the decision.
 - e. Warn that failure to improve will result in further disciplinary action which could result in a final written warning and, if unheeded, ultimately to dismissal with appropriate notice.
 - f. Explain that they have a right to appeal against the decision.

Final Written Warning

If the employee fails to correct his/her conduct and further action is necessary, or if the original offence is considered too serious to warrant any initial warnings:

- The employee will be interviewed and given the opportunity to state their case. (Reasonable time must be allowed for the employee to prepare their case).
- If a final warning is considered to be appropriate, this will be explained to the employee and a letter confirming this decision will be sent to the employee.
- The letter will:
 - a. Contain a clear reprimand and the reasons for it.
 - b. Explain what corrective action is required and what reasonable time is given for improvement.
 - c. State what training needs have been identified, with timescales for implementation.
 - d. Make clear what mitigating circumstances have been taken into account in reaching the decision.
 - e. Warn that failure to improve will result in further disciplinary action, which could result in dismissal.
 - f. Explain that they have a right to appeal against the decision.

Dismissal

If there is still no sustained improvement in the standard of conduct/performance whilst a final written warning remains live, or if any new offence occurs whilst a final written warning remains live, or if there is any allegation of gross misconduct, the employee will be interviewed by the designated people.

If an acceptable explanation is not forthcoming, dismissal will normally result, with or without notice as appropriate. The employee will be provided, as soon as is reasonably practicable, but within five working days, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

In cases of gross misconduct dismissal may be without notice or payment in lieu of notice.

If the employee still fails to correct their conduct, then:

- The employee will be interviewed as before.
- If the decision is to dismiss, the employee will be given notice of dismissal, stating the reasons for dismissal and giving the right to appeal.

Suspension

If the circumstances appear to warrant instant dismissal, an employee may be suspended with pay while investigations are being made. These should consist of obtaining written statements from all witnesses to the disciplinary incident, and from the employee who is being disciplined. Obviously these investigations should be carried out within as short a time as possible.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be summary dismissal, i.e. dismissal without notice or wages in lieu of notice. Otherwise, an employee should not be dismissed without the appropriate warnings.

Appeals

At each stage of the disciplinary procedure the employee must be told that they have the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Preschool Manager or Chair within five days of a disciplinary interview. The appeal hearing should be heard, if possible, within ten days of receipt of the appeal. Where possible, the appeal group will consist of the same people as the original panel, and they must make every effort to hear the appeal as impartially as possible. The employee may take a colleague with him.

- a. The employee will explain why they are dissatisfied and may be asked questions.
- b. The Preschool Manager will be asked to put their point of view and may be asked questions.
- c. Witnesses may be heard and may be questioned by the appeals committee and by the employee and the Preschool Manager or Chair.
- d. The committee will consider the matter and make known its decision.

A written record of the meeting will be kept.

Types of Offences

The following are examples of the various categories of misconduct and/or poor performance, but the lists are not exhaustive.

Misconduct - action taken at Stage 1 and/or Stage 2 of procedure

- a) Poor time-keeping (repeated lateness or early leaving)
- b) Failure to notify promptly reasons for absence in accordance with procedures
- c) Smoking in designated No Smoking areas

Serious Misconduct - action taken at Stage 3 of procedure

- a) breach of confidence not amounting to gross misconduct
- b) Unauthorised absence
- c) Wilful breach of Health and Safety Regulations

Gross Misconduct - action taken at Stage 4 of procedure

- a) Theft from Pickering Pre-school Playgroup or its employees or clients
- b) Fighting, threatening or assaulting another employee or a client
- c) Incapacity for work due to being under the influence of alcohol or illegal drugs
- d) Fraudulent wage claims or falsification of records
- e) Gross insubordination
- f) Harassment of another employee, volunteer, parent or child of Pickering Pre-school Playgroup whether of a sexual, racial or otherwise offensive nature
- g) Breach of confidence
- h) Wilful destruction of Pickering Pre-school Playgroup property and/ or equipment
- i) Wilful breach of Health and Safety Regulations
- j) Wilful breach of legislation or the Pickering Pre-school Playgroup policies on equal opportunities, sex, race, age and disability discrimination.

Duration of Warnings

Stage 1 - Verbal Warning - Will remain on the employees personal record for 3 months

Stage 2 - First Written Warning - Will remain on the employees personal record for 6 months

Stage 3 - Final Written Warning - Will remain on the employees personal record for 2 years

Appeals

An employee has the right of appeal against any aspect of disciplinary action and penalty. The employee will be advised of the right of appeal and the right to representation at the appeal. Details of how and when to exercise this right of appeal will be given when the warning is issued. Any appeal should be made in writing to the Preschool Manager within 7 working days of receiving the decision against which the employee is appealing. The Preschool Manager will convene an Appeal Board hearing within 20 working days of receipt of the letter. The Appeal Board will consist of three individuals nominated by the Preschool Manager. No individual involved in the original disciplinary decision may be involved in the Appeal Board hearing, except to give evidence.

The following information will be provided to the appellant in writing:

- the venue where the hearing will take place
- the time and date of the hearing
- the right to representation, and
- the names of those hearing the appeal and any others expected to be present.

Time-scales and Notice

Employees have the right to 5 working days notice in writing of any meeting called under this procedure.

Any meeting under this procedure must take place as soon as possible, but within 20 working days of the date of the first notice. Any Appeal Board hearing will take place within 20 working days of receipt of the appeal being lodged.

Employee Grievance Procedure

It is our aim to ensure that its employees are given the opportunity to raise and have resolved any grievances or disputes. Although it is anticipated that the great majority of doubts and problems will be settled quickly through constructive informal discussions, there is the need for a formal procedure designed to meet those circumstances which cannot be resolved quickly through informal discussion.

Informal stage

If the grievance is against another member of staff, employees are encouraged to attempt to resolve the grievance informally before entering the formal procedure.

Any employment related concern should be discussed in the first instance with the line Preschool Manager. (If the matter is such that the employee does not wish to discuss it personally with the line Preschool Leader, the issue should be raised directly with the Preschool Leader). If the matter cannot be satisfactorily resolved at this stage, the formal procedure which follows will apply.

Conduct of formal grievance procedure representation:

At each of the stages set out below, employees have the right to be accompanied or represented by colleague.

Right of appeal:

An employee will have the right of appeal against any decision taken on a grievance issue. Notice of the right of appeal will include details of the time limit within which such an appeal must be made.

Right to be heard:

In all stages of the procedures, the person against whom the grievance has been made will have the right to be heard.

Status Quo ante:

If the Grievance Procedure is invoked, both parties agree to maintain the status quo - ante until the issue which is the subject of the grievance is resolved, except where the matter relates to an accusation requiring urgent action, including the suspension of other employee(s) through the Disciplinary Procedure.

Recording:

A written record of all meetings held under the formal procedure will be made and signed by those present immediately following the meeting. These records will be confidential to the signatories and will be filed in the employee's personal file. Only one copy of the original record will be made and placed in the file of the person against whom the grievance was made. Records will be destroyed after a period of one year.

Times:

The time scales identified in this procedure should not normally be exceeded except where they are varied by mutual consent. The time scales applied must reflect the urgency of the grievance being raised: for example, an accusation of harassment or bullying should be treated with the utmost urgency and may involve immediate action, including the suspension of other employee(s) through the Disciplinary Procedure, whereas a grievance about work practices or work load may not require such urgent action.

Formal Procedure Stage 1

An employee who has a grievance relating to their employment should make it known to the Line Preschool Manager and should state that the formal grievance procedure is being invoked. Where the grievance is against the Line Preschool Manager, the matter should be raised with the Preschool Manager or Chair of Committee. The Line Preschool Leader should attempt to respond to the grievance as soon as possible, but within 5 working days.

Stage 2

If the grievance remains unresolved following stage 1, the employee should seek a meeting with the Preschool Manager or Chair of Committee. This meeting should be held as soon as possible, but within 15 working days.

Within five working days, the Preschool Manager or Chair of Committee will provide a written response aimed at resolving the grievance. If appropriate, this will set target dates by which time the grievance will be resolved, and dates for reviewing progress towards this resolution.

Stage 3

If the grievance is still not resolved following receipt of the written response, the employee may make a written request to the Preschool Manager or Chair of Committee to convene an Appeals Board meeting to consider the matter further. This request should be made within five working days of receiving the response.

This meeting must take place as soon as possible but within 20 working days of the request being received. The Appeals Board must consist of two management members who have not been involved at any earlier stage of the grievance. The Appeals Board may take evidence from:

- the employee(s) making the grievance
- any employee against whom the grievance has been made
- the Preschool Leader or Chair of Committee, and
- any management member who has been involved in an earlier stage of the procedure.

The decision of the Appeals Board will be final and should be communicated in writing to the employee making the grievance within five working days of the meeting taking place.

Link with Disciplinary Procedure

If a grievance concerning another employee is found to be made out after the Grievance Procedure has been followed in full, the Disciplinary Procedure may be commenced at Stage 2 for less serious grievances and Stage 3 or 4 for more serious grievances. If a grievance is found to be malicious or without foundation and is sufficiently serious, the Disciplinary Procedure may be instigated at an appropriate stage against the employee making the grievance.

This policy was adopted at a meeting of Pickering Pre-School Playgroup held on 31st August 2023.

Date to be reviewed – Before end of August 2024.

Signed on behalf of the management committee

Name of signatory – Richard Allenby (Chairperson).